

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed November 1, 2006 (“Final Office Action”), Response to Examiner’s Interview Summary mailed February 7, 2007, and the Advisory Action mailed March 28, 2007. Claims 2-4, 7, 9-10, 14-15, and 40-70 were pending and rejected in the Application. Applicant has amended Claims 4, 40, 45, 52, 58, and 65. Applicant has canceled Claims 71, 72, and 73 without prejudice or disclaimer, and has added new Claims 74-79. Applicant submits that all of the pending claims are allowable over the cited references. Applicant respectfully requests reconsideration, further examination, and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 2-4, 9-10, 14-15, 40-52, and 54-57 under 35 U.S.C. §103(a) as being unpatentable over *Thompson* in view of U.S. Patent No. 4,967,870 issued to Airhart (hereinafter “*Airhart ‘870*”). Applicant has amended Claims 4, 40, 45, 52, 58, and 65. Applicant respectfully traverses these rejections.

Applicants believe that amended independent Claim 40 is patentable over the cited references. Applicants have amended Claim 40 to recite the element “a plurality of impact isolators, at least two of the impact isolators positioned substantially in line with a line of impact of the striker.” Claim 40 is allowable at least because *Thompson* and *Airhart ‘870*, even when combined, fail to disclose this element, expressly or inherently. Applicants respectfully request allowance of Claim 40 and all claims depending therefrom.

Independent Claims 45 and 58 recite elements similar to those in Claim 40 shown to be allowable over the cited references above. For at least this reason, Claims 45 and 58 should be allowed. Further, Claims 46-56 and 59-69 depend from independent Claims 45 and 58, respectively, and are also allowable for at least the reasons stated above. Applicant respectfully requests allowance of these claims.

Independent Claim 74 recites an accelerated weight drop, comprising:

- a striker positionable over a surface;
- a housing at least partially surrounding the striker;
- an impact isolator operable to allow the housing to move relative to the surface upon an impact of the striker with the surface, wherein the impact isolator comprises a member having a slot, and wherein the surface comprises a pin operable to be slidably coupled within the slot; and
- a driver operatively coupled to the striker and operable to drive the striker toward the surface, wherein the surface comprises a strike plate and an anvil disposed between the strike plate and the striker, and wherein the pin is rigidly coupled to the anvil.

The Examiner contends that element 202 of *Airhart '870* "is rigidly coupled (via #204) to the strike plate 16...." See Final Office Action, p. 3. However, *Airhart '870* states that a "pad or shock absorber 204 has been mounted on the lower end of the piston 202 between the piston 202 and the surface of the base plate 16." *Airhart '870*, Col. 6, ll. 63-65. Even if the base plate 16 is considered an anvil, the alleged pin 202 in *Airhart '870* is not rigidly coupled to the base plate 16. The pad is "mounted" on the piston 202, not on the base plate 16. Thus the pin is not "rigidly coupled to the anvil" as recited in Claim 74. The Examiner agrees that *Airhart '870* does not teach wherein the pin is rigidly coupled to an anvil. See Final Office Action, p. 4. The Examiner claims, however, that it would have been obvious to one of ordinary skill in the art to couple the pin to an anvil. But in *Airhart '870*, if the alleged pin 202 is coupled directly to an anvil the shock absorber 204 must be removed, and this dilutes the purpose and effect of the impact isolators. *Airhart '870* thus teaches away from rigidly coupling the pin to the anvil. Neither *Thompson* nor *Airhart '870*, alone or in combination, disclose, teach, or suggest "an anvil disposed between a strike plate and the striker, and wherein the pin is rigidly coupled to the anvil." Applicants respectfully request reconsideration and allowance of Claim 74, and all claims depending therefrom.

Independent Claims 76 and 78 recite elements similar to those in Claim 74 shown to be allowable over the cited references above. For at least this reason, Claims 76 and 78 and their dependents should be allowed. Applicant respectfully requests allowance of these claims.

Information Disclosure Statement

An Information Disclosure Statement (IDS) and accompanying PTO-1449 form were filed on November 8, 2006, after the receipt of the Final Office Action. Applicant respectfully requests that the Examiner consider the cited references and provide the appropriate indication that they have been considered by initialing next to the references on the PTO-1449 form. For the convenience of the Examiner, a copy of the Information Disclosure Statement and accompanying PTO-1449 are attached for his convenience.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims. Because this Response places this case in condition for allowance or at least in a better position for appeal, Applicant requests that it be entered.

Applicant is filing concurrently herewith a Request for Continued Examination Transmittal (RCE), along with the filing fee of \$395.00 to cover the cost of this RCE. Applicant authorizes the Commissioner to charge the fee of \$375.00 for filing three additional independent claims over three and three additional claims total over 20 to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is also authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Douglas M. Kubehl, at 214.953.6486.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



Douglas M. Kubehl
Reg. No. 41,918

Date: 4-30-07

Correspondence Address:

2001 Ross Avenue
Dallas, TX 75201-2980
214-953-6486

Customer No.

05073

COPYPatent Application
10/770,938

Attorney's Docket:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Clinton R. Vedders
Serial No. 10/770,938
Filing Date: February 3, 2004
Art Unit: 2837
Examiner: Jeremy Austin Luks
Confirmation No.: 1628
Title: Accelerated Weight Drop for Use as a Seismic Energy Source and a Method of Operation Thereof

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Information Disclosure Statement

Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. No representation is made that a search has been made, that these references are material to the patentability of the present invention, or that these references qualify as prior art. Under the July 11, 2003 waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office, copies of U.S. Patents and U.S. Patent Application Publications listed in the attached PTO-1449 form are not enclosed.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. § 1.97(c). The Commissioner is hereby authorized to charge the filing fee of \$180.00 to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is also authorized to charge any additional fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for ApplicantBarton E. Showalter
Reg. No. 38,302

05073

Date: Nov 8, 2006

Correspondence Address:

Customer Number:

COPY

Page 1 of 1

PTO-1449 Information Disclosure Citation in an Application	Application No. 10/770,938	Applicant(s) Clinton R. Vedders	
	Docket Number 075949.0115	Group Art Unit 2837	Filing Date February 3, 2004

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A	4,354,572	10/19/1982	Martin	181	116	05/05/1980
B	4,747,466	05/31/1988	Jaworski	181	120	03/11/1986
C	4,867,266	09/19/1989	Martin	181	106	01/27/1987
D	4,980,874	12/25/1990	Justice Jr.	367	190	05/31/1989
E	5,483,026	01/09/1996	Hasbrouck et al.	181	121	02/24/1994
F	6,419,044	07/16/2002	Tite et al.	181	116	04/19/2000
G	6,648,097	11/18/2003	Tite et al.	181	116	07/11/2001
H						
I						
J						
K						
L						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
M							

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
N		
O		
P		
Q		
R		
S		
T		

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.